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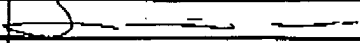
PTO/8B/21 (02-04)

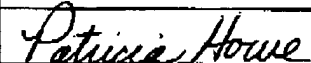
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|   |                      |                        |           |
|---|----------------------|------------------------|-----------|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/787,078             |           |
|   | Filing Date          | January 30, 2004       |           |
|   | First Named Inventor | Yoshiaki TANAKA et al. |           |
|   | Art Unit             | 2621                   |           |
|   | Examiner Name        | Zhao, Daquan           |           |
| Total Number of Pages in This Submission  | 4                    | Attorney Docket Number | 0102/0238 |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input checked="" type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Remarks | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Statement<br>Submission of Terminal Disclaimer |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |   |   |
| Firm or Individual name   | Louis Woo<br>Law Office of Louis Woo  |   |
| Signature   |    |   |
| Date  | July 15, 2008   |   |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |                    |
|---|---|--------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |                    |
| Typed or printed name   | Patricia Howe   |                    |
| Signature   |  | Date July 15, 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,076

Art Unit: 2621

Filed: January 30, 2004

Examiner: Zhao, Daquan

For: RECORDING MEDIUM AND  
SIGNAL PROCESSING  
APPARATUS

Atty Docket: 0102/0238

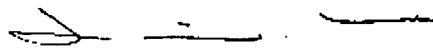
**STATEMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The attached Terminal Disclaimer is being filed in response to the obviousness-type double patenting rejection of claims 39 and 40 in view of U.S. patent 7,382,700, verbally conveyed to the undersigned in a telephone conversation between the examiner and the undersigned on July 11, 2008.

With the filing of this Terminal Disclaimer, it is believed that all outstanding issues in this case have been resolved. Accordingly, the examiner is respectfully requested to pass this case to issue at an early date.

Respectfully submitted,



---

Louis Woo, Reg. No. 31,730  
Law Offices of Louis Woo  
717 North Fayette Street  
Alexandria, Virginia 22314  
Phone: (703) 299-4090

Date:

July 15, 2008

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yoshiaki TANAKA

Serial No. 10/767,076

Art Unit: 2621

Filed: January 30, 2004

Examiner: Zhao, Daquan

For: RECORDING MEDIUM AND  
SIGNAL PROCESSING  
APPARATUS

Atty Docket: 0102/0238


**SUBMISSION OF TERMINAL DISCLAIMER**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a Terminal Disclaimer in connection with the above-identified application.

The Commissioner is hereby authorized to debit \$130.00 for the Terminal Disclaimer from Deposit Account No. 50-0501. The Commissioner is further authorized to debit insufficient funds from the same account. A duplicate copy of this authorization is further attached hereto.

Respectfully submitted,

  
\_\_\_\_\_  
Louis Woo, Reg. No. 31,730  
Law Offices of Louis Woo  
717 North Fayette Street  
Alexandria, Virginia 22314  
Phone: (703) 299-4090Date: July 15, 2008

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JUL 15 2008

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

0102/0238

In re Application of: Yoshiaki TANAKA et al.

Application No. 10/767,076

Filed: January 30, 2004

For: RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS

The owner, VICTOR COMPANY OF JAPAN, LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer, of prior Patent No. 7,382,700. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, Government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 31, 730

Signature

Date

Louis Woo

Typed or printed name

07/16/2008 PCHOMP 00000006 500501 10767076

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\* Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.